

Notice of Allowability

Application No.

09/683,711

Examiner

Peter P Nerbun

Applicant(s)

COSTIN ET AL.

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 22 April 2004.
2. ☒ The allowed claim(s) is/are 6, 15, 20, 21, 23-25, 38-41 and 43.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 3765

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In accordance with MPEP 1302.04 the following obvious errors have been corrected:

In applicant's amendment to the specification filed April 22, 2004, in line 4 of replacement paragraph [0006], "are" has been deleted to correct a grammatical error.

In claim 20, line 3, "the" has been deleted since there is no claim antecedent for "the material"; in claim 20, line 9, "said" has been deleted since there is no claim antecedent for the step of sewing.

In claim 24, line 3, "the" has been deleted since there is no claim antecedent for "the material"; in claim 24, line 6, "a at" has been changed to --at-- to correct a grammatical error; in claim 24, line 11, "part" has been changed to --parts-- to refer correctly to the claim antecedent in lines 8 and 9.

In claim 25, line 2, "garm nt" has been changed to --garment-- to correct a typographical error.

Applicant has inadvertently omitted a version of the replacement section marked up to show all changes relative to the previous version of the section as required by 37 CFR 1.121(b)(2)(iii). The examiner has reviewed the changes made to original paragraphs [0006], [0007], [0009], [0016], and [0020]. To complete the record the examiner has produced the following replacement sections marked up to show all

Art Unit: 3765

changes relative to the previous version of the sections in the form required by 37 CFR

1.121(b)(2)(iii):

Marked up version of paragraph [0006]

--The basic layout is shown in Fig. 1A. A controlled laser system 100 includes a laser 102 and a controller 104. The controller 104 causes the laser to produce patterns based on information in memory 106. The output of the laser produces [an] output patterns [are] formed at an energy density...described in U.S. patent 5,990,444.--

Marked up version of paragraph [0007]

--Here, the controller 104 is programmed to produce special patterns on fabric... such that [thepattern] the pattern is formed. In this embodiment, the 60 by 60 panel is lazed and cut...may overlap, the entire 60 by 60 panel may be lazed as a single piece.—

Marked up version of paragraph [0009]

--Hence, the fractal jean production concept would include the operations shown in the flowchart of Fig. 2. At 200, the denim is cut from a denim textile roll to form the cut parts 122, 124. All the denim panels that make up a pair of low rise [women"s] women's jeans are collected and located in an area, e.g., a 60 inch square area at 205. Other

Art Unit: 3765

jean cuts such as [men"s] men's boot cut may require field sizes larger than 60-inch square. The cutting may be optional if the pattern is continuous.--.

Marked up version of paragraph [0016]

--The file may also be modified to maintain a low boundary power for each file. The lowered boundary may slowly ramp on the power so as to [preventthe] prevent the effects of the... as "edge effects" in the flowchart.--.

Marked up version of paragraph [0020]

--All of these exemplary patterns besides "Stardust" are based upon fractal mathematics or mathematic equation sets...using [drawingsoftware] drawing software or just by drawing the pattern on the screen with [drawingsoftware] drawing software.

In response to applicant's request to reconsider the examiner's objection to the drawings, the examiner agrees that the drawing content is graphical and not photographic in nature. Accordingly, the previous requirement to remove photographic material is withdrawn.

The drawings are objected to by the Draftsperson under 37 CFR 1.84 for the reasons indicated in the attached PTO-948. Corrected drawings are required.

Art Unit: 3765

The following is an examiner's statement of reasons for allowance:

Claim 6 is allowed because claim 6 specifically requires the steps of using a computer to form a pattern on only a part of a total textile roll having a width of 60 inches or greater, using a laser to form said pattern on said roll, and cutting parts of a garment from the roll prior to forming said pattern.

Claim 15 is allowed because claim 15 specifically requires the steps of defining a pattern which will be formed on a garment, using a laser to form said pattern on the material, forming said pattern on a textile area of at least 60 inches in width and sewing different separated pieces into a pattern after said forming.

Claim 20 and its dependent claim are allowed because claim 20 specifically requires the steps of using a laser to form a pattern on material which will form a garment, forming said pattern on a textile area of at least 60 inches in width, wherein said pattern is formed on portions of the material which will not normally be seen after sewing.

Claim 24 is allowed because claim 24 specifically requires the steps of using a laser to form a pattern on material which will form a garment in a single pass of the laser across said material, forming said pattern on a textile area of at least 60 inches in width, and using said laser to form first pattern parts and then using said laser to form second pattern parts at separate times.

Claim 25 is allowed because claim 25 specifically requires the steps of using a laser to form a pattern on a material which will form a garment and defining boundary

Art Unit: 3765

powers for said pattern which are reduced at edges of the pattern as compared with power at other positions of the pattern.

Claim 38 is allowed because claim 38 specifically requires the steps of using a laser to form a pattern over an area which is at least 60 inches in width and sewing said material to form a final garment in a way such that said pattern is formed on at least one portion of the material which will not be normally seen after said sewing.

Claim 43 is allowed because claim 43 specifically requires the steps using a laser to form a pattern over an area which is at least 60 inches in width and using said laser to form a pattern which applies reduced power at boundary edges as compared with other portions in a pattern.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
June 4, 2004

A handwritten signature in black ink that reads "Peter Nerbun". The signature is written in a cursive, flowing style with a large initial "P".

Peter Nerbun
Primary Examiner